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STATE OF LOUISIANA

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POLICY FORM REVISIONS: MEDICARE SUPPLEMENTAL POLICIES

With passage of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (hereinafter referred to as MMA), all states, including Louisiana, are required to amend their Medigap (Medicare Supplement) regulations by September 8, 2005 in order to maintain certification of their regulatory programs. Pursuant to the MMA, the Louisiana Department of Insurance has adopted by emergency rule the revised Regulation 33, Medicare Supplement Insurance Minimum Standards. The revisions incorporate the numerous changes required by the MMA into Regulation 33. A Notice of Intent has been filed to make the revised Regulation 33 permanent by use of ordinary rule making procedures.

There will be a need for insurers offering Medicare Supplement policies in Louisiana to amend their offerings to comply with the revised Regulation 33. In accordance with the Louisiana Administrative Code, Title 37, Part XIII, Chapter 101, Regulation 78, Policy Form Filing Requirements, Section 10107.C.2.g., "[f]ilings of amendatory riders or endorsements are permitted where the insurance product to be altered was originally certified or granted affirmative approval not more than three years prior to the filing of said amendatory rider or endorsement." This means that insurers offering Medicare supplemental policies in Louisiana do not have to issue new policy forms incorporating the changes required by Regulation 33, but they may comply by issuing amendments and riders if such are filed within three years of the affirmative approval of the original policy forms. New policy forms that incorporate the revised Regulation 33 changes will be required of insurers if more than three years have elapsed between the date their original policy forms were affirmatively approved and the date of their planned filings to comply with Regulation 33.

Please be governed accordingly.

J. Robert Wooley
Commissioner of Insurance